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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,458	03/30/2001	Todd M. Altman	42390P10396	5718

8791 7590 03/29/2002

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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
2632	

DATE MAILED: 03/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/823,458	ALTMAN ET AL.
Examiner	Art Unit	
Julie Lieu	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 30 March 2001.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-22 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-15 are objected to because of the following informalities: a claim must end with a period not a semicolon as it is in claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in–  
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-13, 16-18, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Amin et al. (US Patent NO. 6,353,398).

#### **Claim 1:**

Amin et al. discloses a system, thus, a method comprising:

- a. Identifying a reference location

- b. Providing consumer information determined at least in part on a vendor's proximity to the reference location.

See abstract and summary invention. Also col. 2, last paragraph.

Claim 2:

The consumer information in Amin et al. includes providing consumer information determined at least in part on user defined preferences. Col. 4 lines 29-50.

Claim 3:

The consumer information in Amin et al. includes providing consumer information through a wireless communication.

Claim 4:

The identifying the reference location includes determining the current location of the user.

Claim 5:

The system in Amin et al. determines the location of a user includes determining the location of a portable communication device with GPS system.

Claim 6:

The system in Amin et al. identifies consumer information including inputting a location into a portable communication device. Col. 1 last paragraph.

Claim 7:

In Amin et al., the system requests a service in proximity to a portable communication device. Col. 3, second paragraph.

Claims 8-10:

Amin et al. infers that the system requests a service includes specifying an acceptable price for the service. Col. 4, lines 13-15.

Claim 11:

The system in Amin et al. includes a step method of requesting a service from a group consisting of food, lodging, and goods.

Claim 12:

In the Amin et al. system, the offer of service includes a service from the group consisting of food, lodging, and goods. Col. 1, lines 58-62.

Claim 13:

The Amin et al. system also transmits an offer of service to a portable communication having a reference location that is within proximity to a vendor. Col. 3, lines 2-6.

Claim 16:

Amin et al. discloses a system, thus, a method comprising:

- a. Identifying a reference location
- b. Requesting a service from a portable communication device
- b. Providing consumer information to the portable communication device, the consumer information determined at least in part on a vendor's proximity to the reference location.

Claim 17:

In Amin et al., requesting a service include requesting location of a gas station.

Claim 18:

The Amin et al. system identifies user preferences for the service.

Claim 20:

Amin discloses a portable communication device adapted to request a service based on the location of the portable communication device.

Claim 21:

The portable communication device is further adapted to request a service based on user defined preferences.

Claim 22:

The portable communication device is further adapted to provide directions from the location of the portable communication device to the location of the service.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 14-15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over.

Claims 14-15:

Though it is not clearly stated that the Amin et al. system provides directions to the user from the reference point, the reference does implicitly suggests providing directions from the reference location to a vendor associated with the consumer information. Col. 2, first paragraph and also lines 18-20. It would have been obvious to one skilled in the art that the display information related to the query would be pertinent information such as directions to the vendor location so that the user will be able to find the vendor.

Claim 19:

As discussed in claims 14-15, one skilled in the art would have recognized the desirability of providing directions from the reference location to the vendor. In addition, it would have been obvious to one skilled in the art that the reverse direction should also be provided, for instance, upon the user preference as it is conventionally known in the navigation art such as internet driving directions because reverse direction from a location to a reference location where the user starts from would be useful the users not familiar to the area.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ramaswamy, US Patent No. 6,338,085, discloses a telephone activated web server.

Stewart et al., US Patent No. 6,259,405, discloses a geographic based communication service.

Hollenberg, US Patent No. 6,091,965, discloses a situation information system.

Park, US Patent No. 5,627,549, discloses a dual channel advertising referencing vehicle location.

Stevens, US Patent No. 6,327,570, discloses a personal business service system and method.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 703-308-6738. The examiner can normally be reached on Mon-Thursday, 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 703-305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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Julie Lieu  
Primary Examiner  
Art Unit 2632

jl  
March 24, 2002